

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

11 MICHAEL MCMAHON,

12 Plaintiff,

13 v.

14 META PLATFORMS, INC., dba META,
15 formerly known as FACEBOOK, INC. ,

16 Defendant.

Case No. 2:23-cv-00171

STIPULATION AND ORDER
REGARDING BRIEFING AND
SCHEDULE ON DEFENDANT'S
MOTION TO COMPEL ARBITRATION
AND MOTION TO DISMISS

17 Plaintiff Michael McMahon and Defendant Meta Platforms, Inc., by and through their
18 counsel, stipulate as follows:

- 19 1. Plaintiff filed his complaint on January 6, 2023 in the Superior Court of the State of
20 Washington for King County. Defendant's counsel accepted service email on the same day.
- 21 2. Defendant removed the case to this Court on February 3, 2023, based on diversity
22 jurisdiction. Plaintiff did not consent to removal and reserves the right to move to remand the
23 case to the Superior Court of the State of Washington for King County.
- 24 3. Under Federal Rule of Civil Procedure 81(c)(2), Meta's deadline to respond to the
25 Complaint in this Court is February 10, 2023, absent an extension of time. Meta has indicated
26 its intention to move to compel arbitration of Plaintiff's claims and has requested additional
27 time to investigate Plaintiff's claims and prepare its Motion to Compel Arbitration. Plaintiff is

28 STIPULATION AND ORDER REGARDING
BRIEFING AND SCHEDULE FOR
DEFENDANT'S MOTIONS

ORRICK, HERRINGTON & SUTCLIFFE LLP
401 Union Street, Suite 3300
Seattle, Washington 98101-2668
+1 206 839 4300

1 amenable to Meta's request for an extension and further wishes to agree on an orderly
2 schedule for disposition of Meta's Motion to Compel Arbitration.

3 4. Additionally, Meta asserts that the Complaint is subject to dismissal under Federal
4 Rule of Civil Procedure 12(b) on the basis that, *inter alia*, Plaintiff fails to state a claim for
5 relief, and Plaintiff disputes that assertion. Meta will, if necessary, file a Motion to Dismiss
6 regarding such dispute.

7 5. The parties believe that, in the event this case remains in this Court, it would be most
8 efficient for the parties and the Court to first resolve Meta's Motion to Compel Arbitration
9 before addressing Meta's arguments under Federal Rule of Civil Procedure 12(b).

10 6. The parties have met and conferred concerning the timing and briefing schedule on
11 Meta's motion to compel arbitration and have agreed to the following schedule, subject to the
12 Court's approval:

13 **Defendant's Motion to Compel Arbitration:**

14 Motion Due: March 3, 2023

15 Opposition Due: March 31, 2023

16 Reply Due: April 21, 2023

17 If the Court enters an Order denying Defendant's Motion to Compel Arbitration,

18 **Defendant's Motion to Dismiss:**

19 Motion Due: Twenty-eight (28) days after the Court's order

20 Opposition Due: Twenty-eight (28) days after the Motion due date

21 Reply Due: Twenty-one (21) days after the Opposition due date

22 7. In stipulating to this briefing schedule, Plaintiff does not waive any defenses or
23 objections against Meta's Motion to Compel Arbitration, Motion to Dismiss, or any other
24 dispositive motions. Plaintiff further preserves the right to assert any and all motions, defenses,
25 and objections available against Meta.

26 IT IS SO STIPULATED.

27

28

STIPULATION AND ORDER REGARDING
BRIEFING AND SCHEDULE FOR
DEFENDANT'S MOTIONS

1 Dated: February 9, 2023

ORRICK, HERRINGTON & SUTCLIFFE LLP

2
3 By: s/Aravind Swaminathan
4 Aravind Swaminathan (WSBA No. 33883)
5 aswaminathan@orrick.com
6 401 Union Street
7 Suite 3300
8 Seattle, WA 98101-2668
9 Telephone: +1 206 839 4300
10 Facsimile: +1 206 839 4301

11 Michelle Visser (*pro hac vice* forthcoming)
12 mvisser@orrick.com
13 The Orrick Building
14 405 Howard Street
15 San Francisco, CA 94105-2669
16 Telephone: +1 415 773 5700
17 Facsimile: +1 415 773 5759

18 Attorneys for Defendant

ORDER

IT IS SO ORDERED

The parties shall adhere to the filing and briefing schedule set forth in their Stipulation.

Dated this 10th day of February, 2023.

Mrs Casnik

Robert S. Lasnik
United States District Judge